

RESOLUTION NO. [2884]

**A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION AUTHORIZING THE PRESIDENT OF
THE CORPORATION TO TAKE NECESSARY ACTIONS WITH
RESPECT TO THE ADMINISTRATION OF THE GREEN
INNOVATION GRANT PROGRAM**

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970, constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended, the State Water Pollution Control Revolving Fund (the "CWSRF") was established in the custody of the Corporation; and

WHEREAS, the American Recovery and Reinvestment Act of 2009 provided supplemental Federal appropriations to the CWSRF, a portion of which (the "Green Project Reserve" or "GPR"), was required to be made available to projects to address green stormwater infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; and

WHEREAS, by Resolution No. 2076 adopted on March 19, 2009, the Board of Directors (the "Board") authorized the Corporation to establish the Green Innovation Grant Program (the "GIGP") to support GPR projects; and

WHEREAS, subsequent federal fiscal year appropriations have set GPR goals for the CWSRF and made a certain percentage of the annual capitalization grant available to projects that implement a process, material, technique, or technology to address water-efficiency goals, or energy-efficiency goals; mitigate stormwater runoff; or encourage sustainable project planning, design, and construction; and

WHEREAS, these appropriations have also set minimum requirements for the CWSRF program to award additional subsidization, for hardship project or projects that meet EPA's GPR criteria consistent with the Water Resources Reform and Development Act of 2014.

WHEREAS, the Corporation has continued the GIGP each year, in part to assist the Corporation in satisfying this additional subsidization requirement and its GPR goals in connection with subsequent federal fiscal year appropriations; and

WHEREAS, Corporation staff recommends the continuation of the GIGP to provide financial assistance for projects that meet EPA's GPR criteria and address stormwater and wet weather issues through the use of green stormwater infrastructure, promote energy and water efficiency, or use innovative approaches to managing water resources; and

WHEREAS, to enable the Corporation to fulfill its responsibilities under the GIGP, the Corporation desires to authorize the President of the Corporation to take all actions necessary for the administration and management of the GIGP.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The President of the Corporation, or such person as the President may designate in writing from time to time, is hereby authorized, with respect to any funds committed to the GIGP as set forth in the 2022 CWSRF Intended Use Plan, including any amendments thereto, and subject to applicable law, to take all actions necessary for the administration and management of the GIGP, including, but not limited to, deciding which projects will receive funding, development of a grant application and scoring criteria, eligibility review, approval of grant applications, approval and execution of grant agreements, and the development and execution of such other instruments and documents relating to the GIGP and upon such terms and conditions as the President or the President's designee determine to be appropriate and in the best interests of the Corporation.

Section 2. This Resolution shall take effect immediately upon its adoption.

By: _____/s/_____

Thomas E. Baines
Secretary to the Corporation

RESOLUTION NO. [2885]

**A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION AUTHORIZING THE PRESIDENT OF THE
CORPORATION TO TAKE NECESSARY ACTIONS WITH RESPECT TO
THE ADMINISTRATION OF THE ENGINEERING PLANNING GRANT
PROGRAM**

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970, constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended, the State Water Pollution Control Revolving Fund (the "CWSRF") was established in the custody of the Corporation; and

WHEREAS, in connection with its administration of the CWSRF, the Corporation collects certain administrative fees from recipients of CWSRF financial assistance; and

WHEREAS, subject to the limitations set forth in the Act and other state law, the Corporation's use of such administrative fees for "water quality purposes" is permitted under the Federal Water Pollution Control Act and the rules, regulations and guidance related thereto (collectively, the "CWSRF Rules"); and

WHEREAS, by Resolution 2265R adopted on January 10, 2013, the Board of Directors authorized the Corporation, in consultation with the New York State Department of Environmental Conservation, to establish the Engineering Planning Grant Program (the "EPG") to provide support from CWSRF administrative fees to assist municipalities facing economic hardship with their engineering planning costs of CWSRF-eligible water quality projects; and

WHEREAS, Corporation staff recommends continuing the EPG and its funding by CWSRF administrative fees due to the success of the EPG in spurring development of critical water infrastructure projects; and

WHEREAS, the Corporation has determined that providing a grant to produce an engineering report does not, in and of itself, constitute a public infrastructure project within the meaning of the State Smart Growth Public Infrastructure Policy Act ("Smart Growth Act") and confirms that any subsequent funding for a project described in such plans would be subject to the Smart Growth Act; and

WHEREAS, the Corporation desires to authorize the President of the Corporation to take all actions necessary for the continued administration and management of the EPG.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The President of the Corporation, or such person as the President may designate in writing from time to time, is hereby authorized, with respect to funds committed to the EPG under "Use of Administrative Funds" in the 2022 CWSRF Intended Use Plan, including any amendments thereto, and subject to applicable law, to take all actions necessary for the administration and management of the EPG, including, but not limited to, deciding which projects will receive funding, development of grant applications and scoring criteria, eligibility review, approval of grant applications, approval and execution of grant agreements, and the development of such other instruments and documents relating to the Program and upon such terms and conditions as the President or his designee determine to be appropriate and in the best interests of the Corporation. The President is hereby authorized to appoint said designee for the purposes of this Resolution.

Section 2. The source of funds for the EPG authorized hereunder shall be limited to administrative fees the Corporation collects from recipients of CWSRF financial assistance to the extent such fees are not considered "program income earned during the grant period" under the CWSRF Rules.

Section 3. The President or the Controller of the Corporation will confirm the availability of administrative fees prior to the release of any funds hereunder.

Section 4. This Resolution shall take effect immediately upon its adoption.

By: _____/s/_____

Thomas E. Baines
Secretary to the Corporation

RESOLUTION NO. [2886]

A RESOLUTION OF THE NEW YORK STATE
ENVIRONMENTAL FACILITIES CORPORATION SELECTING
FINANCIAL ADVISORS TO THE CORPORATION AND
AUTHORIZING THE PRESIDENT OF THE CORPORATION OR
DESIGNEE TO NEGOTIATE AND ENTER INTO CONTRACTS
FOR FINANCIAL ADVISORY SERVICES

WHEREAS, in accordance with applicable provisions of the Public Authorities Law, the Environmental Conservation Law, the Public Health Law and other laws of the State of New York, the Corporation provides financial assistance to municipalities, persons and other entities in connection with certain environmental projects; and

WHEREAS, the Corporation deems it necessary and desirable to engage the services of financial advisors to the Corporation related to the Corporation's financing activities for the state's Clean Water and Drinking Water State Revolving Funds, the Corporation's financings on behalf of the state and any other financings by the Corporation that require financial advisory services; and

WHEREAS, the Corporation prepared and issued a Request for Proposals, dated November 18, 2021, seeking qualified firms to provide financial advisory services to the Corporation (the "RFP"); and

WHEREAS, a copy of the RFP was distributed to the Board of Directors (the "Board") on December 1, 2021 and responses to the RFP were due on December 16, 2021; and

WHEREAS, pursuant to the RFP, the Corporation anticipates retaining the services of more than one firm to comprise a pool of qualified advisors to provide the services requested in the RFP; and

WHEREAS, in accordance with the requirements for the selection of contractors as set forth in the Corporation's Procurement Contract Guidelines and the RFP, the Corporation's staff has reviewed and evaluated the proposals received and desires to recommend preferred firms to provide professional financial advisory services to the Corporation; and

WHEREAS, the Board wishes to authorize the negotiation and entry into contracts for professional financial advisory services pursuant to the RFP.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The firms listed on Exhibit A are hereby selected and designated as qualified to provide financial advisory services to the Corporation.

Section 2. The Board hereby authorizes the President or the President's designee to select from the pool of qualified firms to provide financial advisory services requested in the RFP from time to time as determined to be required by the President.

Section 3. The term of the contract with each qualified firm shall be for a period of three years with the option for the Corporation to renew the contract for two additional years, upon such terms and conditions as the President or the President's designee determines to be appropriate and in the best interests of the Corporation.

Section 4. This Resolution shall take effect immediately.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

Exhibit A

Qualified List of Financial Advisors

1. Hilltop Securities Inc.
2. PFM Financial Advisors LLC

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

RESOLUTION NO. [2887]

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATION FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND AND THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT

Funding Increase

Greenville (T) - Project No. 18239

WHEREAS, by Resolution No. 2662 adopted on June 27, 2019, the Board authorized a short-term interest-free financing for a maximum principal amount not to exceed \$246,336, and a short-term market-rate financing for a maximum principal amount not to exceed \$492,670 and a Water Infrastructure Improvement Act Grant ("WIIA Grant") award for a maximum grant amount of \$1,106,294 to be made by the Corporation to the Town of Greenville (the "Town"); and

WHEREAS, on July 31, 2019 the Public Authorities Control Board adopted Resolution No. 19-EF-778 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Town for the maximum aggregate principal sum of \$1,845,300 which included the \$1,106,294 WIIA Grant, pursuant to a Project Finance Agreement executed between the parties, which closed effective August 29, 2019; and

WHEREAS, the overall cost of the project has increased and additional funding is necessary to complete construction of the project; and

WHEREAS, the Board desires to authorize an increase in the aggregate principal amount of the financing associated with the Town as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes the increase in the aggregate principal amount of the financing previously authorized to the Town of Greenville as set forth in Exhibit A. All other authorizations, determinations, terms and conditions contained in the Town's Authorizing Resolutions, and any amendments relating thereto, shall remain in effect.

Section 2. This Resolution shall take effect immediately.

By: _____ /s/
Thomas E. Baines
Secretary to the Corporation

Exhibit A

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Initial Interest Rate</u>
18239	Greenville (T)	Greene	\$664,274	0%

Project Description

This project consists of the installation of a new pressure reducing valve (PRV), new SCADA controls system, replacement of an aged, deteriorated tank with a new finished water storage tank, extension of public water service, and replacement of aged, non-operable hydrants and valves throughout the system. The project is defined by the engineering report entitled "Greenville Water Improvements" dated October 6, 2017 by the engineering firm Delaware Engineering, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Initial Interest Rate (not to exceed)</u>
18239	Greenville (T)	Greene	\$1,328,546	4%

Project Description

This project consists of the installation of a new pressure reducing valve (PRV), new SCADA controls system, replacement of an aged, deteriorated tank with a new finished water storage tank, extension of public water service, and replacement of aged, non-operable hydrants and valves throughout the system. The project is defined by the engineering report entitled "Greenville Water Improvements" dated October 6, 2017 by the engineering firm Delaware Engineering, as may be updated, amended, supplemented, and approved by the Agency.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

RESOLUTION NO. [2888]

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE DRINKING WATER PROJECTS FROM FUNDS APPROPRIATED FOR WATER INFRASTRUCTURE IMPROVEMENT PROJECTS

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 413 of the Laws of 1996, as amended (the "DWSRF Act"), the Drinking Water State Revolving Fund (the "DWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the DWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the DWSRF Act, for the purpose of financing or refinancing water supply projects undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each of the water supply projects proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or grants descriptions of which are set out in **Exhibit A** hereto (collectively, the "DWSRF Projects"), constitute an "eligible project" within the meaning of the DWSRF Act as certified to the Corporation by the New York State Department of Health; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds

within the DWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), and the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act") each authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the purposes of WIIA 2015, and no less than \$1 billion was appropriated for purposes of funding water infrastructure improvement projects under the Infrastructure Act; and

WHEREAS, subsequent annual appropriations have been made available for the purpose of providing Grants to municipalities in support of water infrastructure improvement projects;

WHEREAS, preference for award of Grants shall be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Department of Health has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept DWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek DWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any DWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure

Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS

A. The Corporation has reviewed the information supplied by each financing applicant set forth in **Exhibit A**, in connection with its application for DWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the DWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the DWSRF Act, and to provide for the financing or refinancing of the DWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the DWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing and any extension thereof shall mature not later than five years from the date of the closing of such short-term Financing, and each long-term Direct Financing shall mature not later than thirty years from the date of the closing of such long-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the DWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive a interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary of the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grant), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary of the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary of the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds, to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

SECTION 3. GENERAL

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement, prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary of the Corporation executing any such financing

agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by either the Authorized Officers.

D. The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

E. This Resolution shall take effect immediately.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

Exhibit A

DWSRF Direct Financings (Short-Term and Long-Term Financings)

Short-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Interest Rate</u>
18328	Plattsburgh (C)	Clinton	\$2,801,800	N/A	0%

Project Description

This project consists of the City's Phase I Improvement Work including an initial production well and base infrastructure for the new wellfield. This will also include a new backup generator for the well, raw water transmission main, valving, and electrical service to the wellfield. The last portion of this work will include replacing an existing asbestos cement (AC) pipe approximately 3,000 feet long with a new ductile iron pipe. The project is defined by the engineering report entitled "Engineering Report Supplement – Phase I Upgrades" dated October 12, 2021, by the engineering firm CDM Smith, as may be updated, amended, supplemented, and approved by the Agency.

Short-Term Market-Rate Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Initial Interest Rate (not to exceed)</u>
18412	Canajoharie (V)	Montgomery	\$1,100,000	N/A	4%

Project Description

This project consists of a new water storage tank, replacement of pumps and controls in the Abeling Street pump station, and distribution system improvements including watermain, hydrant and valve upgrades. The project scope is further defined by the engineering report dated July 22, 2021, by the engineering firm Delaware Engineering, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Initial Interest Rate</u>
18331	Mayfield (V)	Fulton	\$1,417,300	N/A	4%

Project Description

This project consists of the replacement of an existing 150,000-gallon elevated water storage tank with a new 200,000-gallon elevated spheroidal water storage tank. The project is defined by the engineering report entitled "Water Storage Tank Replacement" dated June 2017 by the engineering firm Chazen Companies, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Initial Interest Rate</u>
18535	Watervliet (C)	Albany	\$4,024,650	N/A	4%

Project Description

This project consists of numerous improvements for the existing Water Treatment Plant, including the building envelope, structural improvements to their sedimentation basins, flocculation tanks and mixers, SCADA, filters and valves, and processes to fully automate operation. The project is defined by the engineering report entitled "Water Systems Needs Assessment Planning Engineering Report" dated February 2018, by the engineering firm Weston and Sampson, as may be updated, amended, supplemented, and approved by the Agency.

By: _____/s/

Thomas E. Baines
Secretary to the Corporation

Exhibit B

Financial Assistance Payment Recipients (DW WIIA Grants)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18412	Canajoharie (V)	Montgomery	\$1,650,000

Project Description

This project consists of a new water storage tank, replacement of pumps and controls in the Abeling Street pump station, and distribution system improvements including watermain, hydrant and valve upgrades. The project scope is further defined by the engineering report dated July 22, 2021, by the engineering firm Delaware Engineering, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18579	Diana (T)	Lewis	\$283,200

Project Description

This project consists of improvements at existing Well No. 1 and Well No. 3, installation of an approximately 350,000-gallon water storage tank, and installation of new water main to loop dead ends. The project is defined by the engineering report entitled "Preliminary Engineering Report – Water Systems Assessment – Town of Diana, New York" dated June 2020 by the engineering firm EDR D.P.C., as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18668	Greenlawn Water District	Suffolk County	\$3,171,600

Project Description

This project consists of the construction of a new treatment process at the existing water treatment facility to remove 1,4-dioxane from the Greenlawn Water District's Well No. 12. The construction will include installation of an advanced oxidation process (AOP) treatment system using ultraviolet light (UV) and hydrogen peroxide (H2O2) for the removal of 1,4-dioxane; and the installation of a granular activated carbon (GAC) treatment system to remove AOP byproducts and to quench residual H2O2. The proposed project also includes the replacement of the existing booster pump; construction of a new building to house the proposed treatment systems; upgrades to the facility electrical service; installation of a new back-up generator; and modifications to site piping. The facility will be designed to treat raw water from Well No. 12 at a flow rate up to 1,200 gallons per minute (gpm). The project is defined by the engineering reports entitled "Engineering Report - 1,4-Dioxane, Treatment at Well No. 12" dated January 2019 and "Wellhead Treatment for Emerging Contaminants at Plant No. 12" dated April 2021 by the engineering firm H2M architects + engineers, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18331	Mayfield (V)	Fulton	\$407,700

Project Description

This project consists of the replacement of an existing 150,000-gallon elevated water storage tank with a new 200,000-gallon elevated spheroidal water storage tank. The project is defined by the engineering report entitled "Water Storage Tank Replacement" dated June 2017 by the engineering firm Chazen Companies, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18687	Mineola (V)	Nassau	\$4,980,000

Project Description

This project consists of the construction of a new treatment process at the existing water treatment facility to remove 1,4-dioxane, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) from the Village of Mineola Well No. 4. The construction will include installation of an advanced oxidation process (AOP) treatment system using ultraviolet light (UV) and hydrogen peroxide (H2O2) for the removal of 1,4-dioxane; and the installation of a granular activated carbon (GAC) treatment system to remove PFOA, PFOS, AOP byproducts and to quench residual H2O2. The proposed project also includes the construction of a new building to house the proposed treatment system; modifications to the chemical injection and storage system; installation of a backup generator; upgrades to the facility electrical service and SCADA system; and modifications to site piping. The facility will be designed to treat raw water from Well No. 4 at a flow rate up to 1,200 gallons per minute (gpm). The project is defined by the engineering reports entitled "Engineering Report - 1,4-Dioxane, PFOA and PFOS Treatment at the Well 4 Facility" dated September 2019 and "Basis of Design Report for 1,4-Dioxane, PFOA and PFOS Treatment at Well 4" dated February 2021 by the engineering firm D&B Engineers and Architects, P.C., as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18328	Plattsburgh (C)	Clinton	\$3,000,000

Project Description

This project consists of the City's Phase I Improvement Work including an initial production well and base infrastructure for the new wellfield. This will also include a new backup generator for the well, raw water transmission main, valving, and electrical service to the wellfield. The last portion of this work will include replacing an existing asbestos cement (AC) pipe approximately 3,000 feet long with a new ductile iron pipe. The project is defined by the engineering report entitled "Engineering Report Supplement – Phase I Upgrades" dated October 12, 2021, by the engineering firm CDM Smith, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18535	Watervliet (C)	Albany	\$3,000,000

Project Description

This project consists of numerous improvements for the existing Water Treatment Plant, including the building envelope, structural improvements to their sedimentation basins, flocculation tanks and mixers, SCADA, filters and valves, and processes to fully automate operation. The project is defined by the engineering report entitled "Water Systems Needs Assessment Planning Engineering Report" dated February 2018, by the engineering firm Weston and Sampson, as may be updated, amended, supplemented, and approved by the Agency.

By: _____ /s/
 Thomas E. Baines
 Secretary to the Corporation

RESOLUTION NO. [2889]

**A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION AUTHORIZING FINANCIAL ASSISTANCE
PAYMENTS TO SELECTED MUNICIPALITIES TO FUND ELIGIBLE
INTERMUNICIPAL WATER INFRASTRUCTURE PROJECTS**

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970, constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act") enacted Public Authorities Law Section 1285-s to establish the New York State Intermunicipal Water Infrastructure Grants Program ("IMG"), which authorizes and directs the Corporation to provide financial assistance payments, from funds appropriated for such purpose, for intermunicipal water quality infrastructure projects that serve multiple municipalities and may include a shared water quality infrastructure project or interconnection of multiple municipal water quality infrastructure projects ("IMG Grants"); and

WHEREAS, the Infrastructure Act, invested no less than \$150 million for purposes of IMG Grants and subsequent annual appropriations are available for additional support for intermunicipal water infrastructure projects; and

WHEREAS, pursuant to the IMG, a municipality is not required to accept State Revolving Fund financing from the Corporation to receive an IMG Grant; and

WHEREAS, the Corporation has completed an evaluation of the projects set forth in Exhibit A (hereinafter referred to as the "Projects"), determined that the Projects each constitute an eligible "water quality infrastructure project" as defined in Public Authorities Law Section 1285-s, and otherwise meets the criteria for award of an IMG Grant; and

WHEREAS, the Corporation desires to provide IMG Grants to the applicant listed in Exhibit A in support of water quality infrastructure projects in accordance with Public Authorities Law Section 1285-s and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. Financial Assistance Payments (Grants)

A. The Corporation has reviewed the information supplied by the applicant set forth in Exhibit A in connection with its application for an IMG Grant.

B. To accomplish the purposes of the Infrastructure Act and Public Authorities Law Section 1285-s and provide financial assistance payments to the Project recipient, the Corporation is hereby authorized to provide an IMG Grant, from appropriated funds, to the applicant set forth in Exhibit A subject to continuing compliance with applicable law.

The financial assistance payment shall not exceed the maximum amount of IMG Grant set forth in Exhibit A as approved under this Section 1.B.

Section 2. General

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer executing any such agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each IMG Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by either the President, any Vice President, Chief Financial Officer or the Controller (collectively, the "Authorized Officers"). The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any agreement prepared pursuant to this Resolution.

D. This Resolution shall take effect immediately.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

Exhibit A

Financial Assistance Payment Recipients

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18514	Wappinger (T)	Dutchess	\$1,053,600

Project Description

This project consists of the installation of two water supply interconnections. One is between the Town of Wappinger's United Wappinger Water District (UWWD) and the Village of Wappingers Falls, and another connection is between the Village of Wappingers Falls and Woodhill Green Condominiums (WHG). The UWWD-Village interconnection involves the construction of approximately 750 feet of 8" water main. The Village-WHG interconnection also involves the construction of approximately 750 feet of 8" main, and the installation of a booster pump to provide water to higher elevations within WHG. The project is defined by the engineering reports entitled "Engineer's Report for United Wappinger Water District Emergency Interconnection to Village of Wappingers Falls Water Treatment" dated September 2019 and "Engineer's Report for Woodhill Green Condominiums Connection to Village of Wappingers Falls Water System" dated September 2019 by the engineering firm CPL: Architecture, Engineering, Planning, as may be updated, amended, supplemented, and approved by the Agency.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

RESOLUTION NO. [2890]

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATIONS FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND

Modification of the Project Scope

Binghamton (C) – Project No. C7-6201-03-06

WHEREAS, by Resolutions Nos. 2587 and 2589 adopted on August 9, 2018, the Board of Directors (the “Board”) authorized a five-year short-term interest-free financing and short-term market-rate financing for an aggregate maximum principal amount not to exceed \$24,660,000, and a Water Infrastructure Improvement Act Grant (“WIIA Grant”) for a maximum grant amount of \$10,960,000 to be made by the Corporation to the City of Binghamton; and

WHEREAS, on September 19, 2018, the Public Authorities Control Board (“PACB”) adopted Resolution No. 18-EF-745 approving the financing; and

WHEREAS, the financing was made by the Corporation to the City of Binghamton for the aggregate maximum principal sum of \$35,620,000, which included the \$10,960,000 WIIA Grant pursuant to a Project Finance Agreement executed between the parties, which closed effective September 20, 2018; and

WHEREAS, the original scope of the project associated with the City of Binghamton’s financing has been expanded; and

WHEREAS, the Board desires to amend the financial assistance authorized to the City of Binghamton to modify the scope of the financing as set forth herein.

Modification of the Project Scope

Johnson City (V) – Project No. C7-6201-03-06

WHEREAS, by Resolutions Nos. 2587 and 2589 adopted on August 9, 2018, the Board authorized five-year short-term interest-free financing and short-term market-rate financing for an aggregate maximum principal amount not to exceed \$20,340,000, and a WIIA Grant for a maximum grant amount of \$9,040,000 to be made by the Corporation to

the Village of Johnson City; and

WHEREAS, on September 19, 2018 PACB adopted Resolution No. 18-EF-745 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Village of Johnson City for the aggregate maximum principal sum of \$29,380,000, which included the \$9,040,000 WIIA Grant pursuant to a Project Finance Agreement executed between the parties, which closed effective September 20, 2018; and

WHEREAS, the original scope of the project associated with Village of Johnson City financing has been expanded; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Village of Johnson City to modify the scope of the financing as set forth herein.

Modification of the Project Scope

Medina (V) – Project No. C8-6430-09-00

WHEREAS, by Resolutions Nos. 2701 and 2702 adopted on December 12, 2019, the Board authorized a five-year short-term interest-free financing and short-term market-rate financing to be made by the Corporation to the Village of Medina for an aggregate maximum principal amount not to exceed \$6,032,455, and WIIA Grant for a maximum grant amount of \$1,331,545; and

WHEREAS, on December 18, 2019 PACB adopted Resolution No. 19-EF-792 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Village of Medina for the maximum principal sum of \$7,364,000, which included the \$1,331,545 WIIA Grant pursuant to a Project Finance Agreement executed between the parties, which closed effective January 23, 2020; and

WHEREAS, by Resolution No. 2788 adopted on December 10, 2020, the Board authorized an amendment of the financial assistance provided to the Village of Medina to reflect an expanded project scope, which was approved by PACB by Resolution No. 20-EF-792A adopted on December 16, 2020; and

WHEREAS, the original scope of the project associated with the Village of Medina's financing has been expanded; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Village of Medina to modify the scope of the financing as set forth herein.

Modification of the Project Scope
Oneida County - Project No. C6-6070-08-15

WHEREAS, by Resolution No. 2760 adopted on August 13, 2020, the Board authorized a five-year short-term interest-free and short-term market-rate financing for an aggregate maximum principal amount not to exceed \$78,277,215 to be made by the Corporation to Oneida County; and

WHEREAS, on September 9, 2020, PACB adopted Resolution No. 20-EF-809 approving the financing; and

WHEREAS, the financing was made by the Corporation to Oneida County for the aggregate maximum principal sum of \$78,277,215 pursuant to a Project Finance Agreement executed between the parties, which closed effective September 24, 2020; and

WHEREAS, the original scope of the project associated with Oneida County's financing has been expanded; and

WHEREAS, the Board desires to amend the financial assistance authorized to Oneida County to modify the scope of the financing as set forth herein.

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Extension of the Financing Maturity Date
Woodhull (T) - Project No. C8-6358-01-00

WHEREAS, by Resolution No. 2290 adopted on August 14, 2013, the Board authorized a short-term interest-free financing to be made by the Corporation to the Town of Woodhull for a maximum principal amount not to exceed \$1,398,893 and a Clean Water State Revolving Fund Grant ("CWSRF Grant") in the amount of \$2,000,000 to be made by the Corporation to the Town of Woodhull; and

WHEREAS, on August 21, 2013, PACB adopted Resolution No. 13-EF-601 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Town of Woodhull for the aggregate maximum principal sum of \$3,271,721, which included the \$2,000,000 CWSRF Grant pursuant to a Project Finance Agreement executed between the parties, which closed effective September 5, 2013; and

WHEREAS, by Resolution No. 2585 adopted on June 28, 2018, the Board authorized an amendment of the financial assistance provided to the Town of Woodhull to reflect an extension of the maturity date to September 5, 2020, which was approved by PACB through Resolution No. 18-EF-601A, adopted on July 25, 2018; and

WHEREAS, by Resolution No. 2615 adopted on January 15, 2019, the Board authorized a funding increase to the Town of Woodhull, which was duly approved by PACB through Resolution No. 19-EF-601B, adopted on January 16, 2019; and

WHEREAS, by Resolution No. 2755 adopted on June 25, 2020, the Board authorized an amendment of the financial assistance to reflect an extension of the maturity date to March 5, 2022, which was approved by PACB through Resolution No. 20-EF-601B, adopted on July 22, 2020; and

WHEREAS, the maximum period of the financing will expire on March 5, 2022, and the Town of Woodhull has requested additional time in order to complete construction of the project; and

WHEREAS, the Board desires to authorize an extension of the maturity date of the Town of Woodhull's financing to March 5, 2025 as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes a modification of the original project scope associated with the City of Binghamton's financing as set forth in Exhibit A. All other authorizations, determinations, terms and conditions contained in Resolutions 2587 and 2589, and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes a modification of the original project scope associated with the Village of Johnson City's financing as set forth in Exhibit B. All other authorizations, determinations, terms and conditions contained in Resolutions 2587 and 2589, and any amendments relating thereto, shall remain in effect.

Section 3. The Board hereby authorizes a modification of the original project scope associated with the Village of Medina's financing as set forth in Exhibit C. All other authorizations, determinations, terms and conditions contained in Resolutions 2701 and 2702, and any amendments relating thereto, shall remain in effect.

Section 4. The Board hereby authorizes a modification of the original project scope associated with Oneida County's financing as set forth in Exhibit D. All other authorizations, determinations, terms and conditions contained in Resolution No. 2760, and any amendments relating thereto, shall remain in effect.

Section 5. The Board hereby authorizes the extension of the maturity date of the financing provided to the Town of Woodhull from March 5, 2022 to March 5, 2025. All other authorizations, determinations, terms and conditions contained in Resolution No. 2290, and any amendments relating thereto, shall remain in effect.

Section 6. This Resolution shall take effect immediately.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

Exhibit A

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Interest Rate</u>
C7-6201-03-06	Binghamton (C)	Broome	\$12,330,000	0%

Project Description:

This project consisted of planning, design and construction of improvements to restore and rehabilitate the Binghamton-Johnson City Joint Sewage Treatment Plant (BJCSTP). The project is defined by the engineering report entitled "Binghamton-Johnson City Joint Sewage Treatment Plant Restoration and Rehabilitation" dated May 2012 by the engineering firm Savin Engineers, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Interest Rate (not to exceed)</u>
C7-6201-03-06	Binghamton (C)	Broome	\$12,330,000	4%

Project Description:

This project consisted of planning, design and construction of improvements to restore and rehabilitate the Binghamton-Johnson City Joint Sewage Treatment Plant (BJCSTP). The project is defined by the engineering report entitled "Binghamton-Johnson City Joint Sewage Treatment Plant Restoration and Rehabilitation" dated May 2012 by the engineering firm Savin Engineers, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

Exhibit B

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Interest Rate</u>
C7-6201-03-06	Johnson City (V)	Broome	\$10,170,000	0%

Project Description:

This project consisted of planning, design and construction of improvements to restore and rehabilitate the Binghamton-Johnson City Joint Sewage Treatment Plant (BJCSTP). The project is defined by the engineering report entitled "Binghamton-Johnson City Joint Sewage Treatment Plant Restoration and Rehabilitation" dated May 2012 by the engineering firm Savin Engineers, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Interest Rate</u> (not to exceed)
C7-6201-03-06	Johnson City (V)	Broome	\$10,170,000	4%

Project Description:

This project consisted of planning, design and construction of improvements to restore and rehabilitate the Binghamton-Johnson City Joint Sewage Treatment Plant (BJCSTP). The project is defined by the engineering report entitled "Binghamton-Johnson City Joint Sewage Treatment Plant Restoration and Rehabilitation" dated May 2012 by the engineering firm Savin Engineers, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

By: _____ /s/
Thomas E. Baines
Secretary to the Corporation

Exhibit C

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Interest Rate</u>
C8-6430-09-00	Medina (V)	Orleans	\$5,032,455	0%

Project Description:

This project consists of planning, design and construction of improvements to the wastewater treatment plant and collection system. The project is defined by the engineering report entitled "Village of Medina Wastewater Treatment Plant Capital Improvement Project" dated September 2018, revised August 2019 by the engineering firm Wendel, as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Interest Rate</u> (not to exceed)
C8-6430-09-00	Medina (V)	Orleans	\$1,000,000	4%

Project Description:

This project consists of planning, design and construction of improvements to the wastewater treatment plant and collection system. The project is defined by the engineering report entitled "Village of Medina Wastewater Treatment Plant Capital Improvement Project" dated September 2018, revised August 2019 by the engineering firm Wendel, as may be updated, amended, supplemented, and approved by the Corporation.

By: _____ /s/
Thomas E. Baines
Secretary to the Corporation

Exhibit D

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Interest Rate</u>
C6-6070-08-15	Oneida County	Oneida	\$39,138,608	0%

Project Description:

This project consists of planning, design and construction of upgrades to the County's Water Pollution Control Plant, Sauquoit Creek Pump Station and Barnes Avenue Pump Station. The project is defined by the engineering report entitled "Water Pollution Control Plant and Sauquoit Creek Pump Station Evaluation" dated August 2012 and "Addendum 1" dated November 2012, by the engineering firms Shumaker Consulting Engineering, GHD Consulting Engineers, and Brown & Caldwell, and Basis of Design Report Barnes Avenue Pump Station and Force Main Upgrades dated September 2021 by the engineering firm GHD, as may be updated, amended, supplemented, and approved by the Corporation .

Short-Term
Market-Rate
Financing Maximum
Principal Amount

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Principal Amount</u>	<u>Interest Rate</u> (not to exceed)
C6-6070-08-15	Oneida County	Oneida	\$39,138,607	4%

Project Description:

This project consists of planning, design and construction of upgrades to the County's Water Pollution Control Plant, Sauquoit Creek Pump Station and Barnes Avenue Pump Station. The project is defined by the engineering report entitled "Water Pollution Control Plant and Sauquoit Creek Pump Station Evaluation" dated August 2012 and "Addendum 1" dated November 2012, by the engineering firms Shumaker Consulting Engineering, GHD Consulting Engineers, and Brown & Caldwell, and Basis of Design Report Barnes Avenue Pump Station and Force Main Upgrades dated September 2021 by the engineering firm GHD, as may be updated, amended, supplemented, and approved by the Corporation

By: _____ /s/
Thomas E. Baines
Secretary to the Corporation

RESOLUTION NO. [2891]

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE CLEAN WATER PROJECTS FROM FUNDS APPROPRIATED FOR WATER INFRASTRUCTURE IMPROVEMENT PROJECTS

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended (the "CWSRF Act"), the Clean Water State Revolving Fund ("CWSRF") has been established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low-cost financing to eligible recipients while maintaining the fiscal integrity of the CWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the CWSRF Act, for the purpose of financing or refinancing projects eligible for assistance under 33 USC 1383 (c) and undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each project proposed to be financed or refinanced by such applicants through short-term interest-free, short-term market-rate or long-term financings, descriptions of which are set out in **Exhibit A** hereto (collectively, the "CWSRF Projects") constitute an "eligible project" within the meaning of the CWSRF Act; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the CWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), and the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act") each authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the purposes of WIIA 2015, and no less than \$1 billion was appropriated for purposes of funding water infrastructure improvement projects under the Infrastructure Act; and

WHEREAS, subsequent annual appropriations have been made available for the purpose of providing Grants to municipalities in support of water infrastructure improvement projects;

WHEREAS, preference for award of Grants shall be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Corporation has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept CWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek CWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any CWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS

A. The Corporation has reviewed the information supplied by each financing applicant, set forth in **Exhibit A**, in connection with its application for CWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the CWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the CWSRF Act, and to provide for the financing or refinancing of the CWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the CWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount (including additional subsidization, if any) not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing shall mature not later than five years from the date of the closing of such short-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel, or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the CWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary of the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing, in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary of the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or Secretary of the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds, to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

SECTION 3. GENERAL

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or Secretary of the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

D. This Resolution shall take effect immediately.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

Exhibit A

CWSRF Direct Financings (Short-Term and Long-Term Financings and Grants)

Short-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C3-5304-03-00	Tivoli (V)	Dutchess	\$6,042,750	N/A	0%

Project Description

This project consists of planning, design and construction of improvements to the Village of Tivoli's wastewater collection and treatment system. The project is defined by the engineering report entitled "Wastewater System Evaluation" dated September 2021 by the engineering firm T&B Engineering, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C3-5384-03-01	Warwick (V)	Orange	\$4,593,750	N/A	0%

Project Description

This project consists of planning, design and construction of improvements/expansion of the Village's wastewater treatment plant to improve water quality in the Wawayanda Creek. The project is defined by the engineering report entitled "Wastewater Treatment Plant Upgrade – Village of Warwick" dated August 2018 and revised March 2021 by the engineering firm Barton and Loguidice, as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C8-6438-02-00	Webster (V)	Monroe	\$9,485,750	\$1,414,250	0%

Project Description

This project consists of planning, design and construction of wastewater treatment plant improvements. The project is defined by the engineering report entitled "Wastewater Treatment Plant Evaluation Study" dated October 2017, revised October 2021 by the engineering firm LaBella Associates, D.P.C., as may be updated, amended, supplemented, and approved by the Corporation.

Short-Term Market-Rate Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Initial Interest Rate (not to exceed)</u>
C3-5384-03-01	Warwick (V)	Orange	\$4,593,750	N/A	4%

Project Description

This project consists of planning, design and construction of improvements/expansion of the Village's wastewater treatment plant to improve water quality in the Wawayanda Creek. The project is defined by the engineering report entitled "Wastewater Treatment Plant Upgrade – Village of Warwick" dated August 2018 and revised March 2021 by the engineering firm Barton and Loguidice, as may be updated, amended, supplemented, and approved by the Corporation.

Long-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C8-6470-01-00	Rushville (V)	Ontario	\$1,696,462	N/A	0%

Project Description

This project consisted of planning, design and construction of improvements at the Village of Rushville's wastewater treatment plant (WWTP) and collection system. The project is defined by the engineering report entitled "Project Engineering Report for the Wastewater Treatment Plant and Sewer Evaluation" dated December 2014, revised April 2018, by the engineering firm MRB Group and was approved by the New York State Department of Environmental Conservation (NYSDEC) on June 21, 2018 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on June 25, 2018. The project was further defined by the plans and specifications entitled "Wastewater Treatment Plant Improvements" dated April 2018 by the engineering firm MRB Group that were approved by NYSDEC on February 9, 2018 and made eligible by NYSEFC on November 16, 2018.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation

Exhibit B

Financial Assistance Payment Recipients (CW WIIA Grants)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C3-5368-30-00	Rockland County	Rockland	\$2,875,000

Project Description

This project consists of planning, design and construction of upgrades to the Rockland County Sewer District No. 1 main influent pump station. The project is defined by the engineering report entitled "Main Pump Station Upgrade Project" dated January 2018 by the Rockland County Sewer District No. 1, as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C3-5368-31-00	Rockland County	Rockland	\$3,375,000

Project Description

This project consists of design and construction of odor control system replacements and improvements to heating and ventilation systems at the Rockland County Sewer District No. 1 Wastewater Treatment Plant. The project is defined by the engineering report entitled "Upgrade of the Odor Control Systems and Miscellaneous Heating and Ventilation System Improvements – Design Recommendation Report" dated May 2017 by the engineering firm D&B Engineers & Architects, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C4-5465-13-00	Rotterdam (T)	Schenectady	\$533,000

Project Description

This project consists of construction of the Carman Road Sewer Extension No. 2. The project is defined by the engineering report entitled "Sewer District No. 7 Extension No. 2 Carman Road" dated September 13, 2019, revised October 1, 2021 by the engineering firm Chazen Companies, as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C3-5304-03-00	Tivoli (V)	Dutchess	\$919,150

Project Description

This project consists of planning, design and construction of improvements to the Village of Tivoli's wastewater collection and treatment system. The project is defined by the engineering report entitled "Wastewater System Evaluation" dated September 2021 by the engineering firm T&B Engineering, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C4-5467-03-00	Voorheesville (V)	Albany	\$400,000

Project Description

This project consists of planning, design and construction of sanitary sewer service for the central portion of the Village to protect groundwater quality. The project is defined by the engineering report entitled "Engineer's Report for Village of Voorheesville Sewer System – Phase 1 Main Street & Voorheesville Avenue" dated July 9, 2021 and revised August 18, 2021 by the engineering firm C.T. Male Associates, as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C3-5384-03-01	Warwick (V)	Orange	\$3,062,500

Project Description

This project consists of planning, design and construction of improvements/expansion of the Village's wastewater treatment plant to improve water quality in the Wawayanda Creek. The project is defined by the engineering report entitled "Wastewater Treatment Plant Upgrade – Village of Warwick" dated August 2018 and revised March 2021 by the engineering firm Barton and Loguidice, as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C8-6446-05-00	York (T)	Livingston	\$442,564

Project Description

This project consists of construction of improvements to the Town's Retsof Sewer District sewer collection system. The project is defined by the engineering report entitled "Town of York- Retsof Sewer District Collection System Improvements" dated October 2021 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Corporation.

RESOLUTION NO. [2892]

A RESOLUTION OF THE NEW YORK STATE
ENVIRONMENTAL FACILITIES CORPORATION AUTHORIZING
THE TRANSFER OF CERTAIN FUNDS TO ASSIST
FINANCIALLY STRESSED COMMUNITIES BUILD CAPACITY

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970, constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended, the State Water Pollution Control Revolving Fund (the "CWSRF") was established in the custody of the Corporation; and

WHEREAS, in connection with its administration of the CWSRF, the Corporation collects certain administrative fees from recipients of CWSRF financial assistance; and

WHEREAS, subject to the limitations set forth in the Act and other state law, the Corporation's use of such administrative fees for "water quality purposes" is permitted under the Federal Water Pollution Control Act and the rules, regulations and guidance related thereto (collectively, the "CWSRF Rules"); and

WHEREAS, it has been determined that financially stressed communities often lack the capacity to effectively identify, evaluate, and manage their clean water infrastructure; and

WHEREAS, the State has committed to invest \$5 million for purposes of providing support to financially stressed communities for capacity building; and

WHEREAS, the Corporation desires to provide such financial assistance, and authorize the President of the Corporation or such person as the President may designate to expend funds for such purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The President of the Corporation or her designee is hereby authorized to pay or cause to be paid to financially stressed communities in the State of New York and entities directly assisting such communities, an amount not to exceed a total of \$5 million to assist in the payment of the costs associated with building capacity to address clean water infrastructure needs.

Section 2. The use of the funds provided hereunder shall be limited to these and other water quality purposes as permitted by applicable law and the CWSRF Rules, including, but not limited, to capacity staffing, engineering consultants, project managers, financial administrators, and legal counsel.

Section 3. The Corporation's source of funds for the payments authorized hereunder shall be limited to administrative fees it collects from recipients of CWSRF financial assistance to the extent such fees are not considered "program income" under the CWSRF Rules.

Section 4. The President or the Controller of the Corporation will confirm the availability of administrative fees prior to the release of any funds hereunder.

Section 5. The President or the Controller of the Corporation or such other person as the President may designate are each hereby authorized and directed to execute and deliver any such documents, agreements, instruments, certificates, or affidavits, to do and cause to be done any such other lawful acts and things as they may determine are necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution.

This Resolution shall take effect immediately upon its adoption.

By: _____ /s/

Thomas E. Baines
Secretary to the Corporation